



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

**1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

**VIA UPS**

**JUN 23 2014**

Phillip Hunt, EHS Manager  
Wolverine Advanced Materials  
201 Industrial Park Road  
Blacksburg, VA 24060

**Re: Notice of Violation  
Compliance Evaluation Inspection  
May 7, 2014  
EPA ID No. VAR000001667**

**Docket No: R3-14-NOV-RCRA-16**

Dear Mr. Hunt:

On May 7, 2014 the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") of your facility under the federally authorized Commonwealth of Virginia Hazardous Waste Management Regulations ("VAHWMR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. The Inspection Report is enclosed with this letter. Based on the inspection, EPA has determined that Wolverine Advanced Materials in Blacksburg, VA (Wolverine or the Facility) has violated regulations under VAHWMR and RCRA. As a result of this determination, EPA is issuing this Notice of Violation ("NOV"). The specific violations are:

1. Wolverine's practice of transferring spent aerosol cans from Cedar Run to its sister facility at 201 Industrial Park Road is not permitted. Shipment of hazardous waste must be done under manifest and can only be sent to a permitted facility capable of treating the waste as required by 9 VAC 20-60-262 [40 CFR 262 Subpart B].
2. With the exception of the EHS Manager, none of the emergency coordinators' (contacts') have hazardous wastes responsibilities listed in their job descriptions as required by 9 VAC 20-60-265 [40 CFR 265.16(d)(2)]. In addition, those people do not appear to receive annual RCRA training as required by 9 VAC 20-60-265 [40 CFR 265.16(c)].
3. Wolverine's Contingency Plan must be updated to reflect the change in the emergency coordinator list as required by 9 VAC 20-60-265 [40 CFR 265.54(d)].

4. Wolverine did not maintain the fully signed final copy of two manifests (#007460986FLE shipped 2/17/14, and #007460797FLE shipped 1/30/14) as required by 9 VAC 20-60-262 [40 CFR 262.42].

Within twenty (20) calendar days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Response to this NOV shall be addressed to:

Kenneth J. Cox  
Land and Chemicals Division (3LC70)  
U.S. Environmental Protection Agency - Region III  
1650 Arch Street  
Philadelphia, PA 19103

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the Information for Small Businesses memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.



Carol Amend, Associate Director  
Land and Chemicals Division  
Office of Land Enforcement

June 23, 2014  
Date

Enclosure

cc: Russell Deppe (VADEQ) with Enclosure  
Terry DiFiore (3WC31) w/o Enclosure  
Ken Cox (3WC31) w/o Enclosure

